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DOC #:
DATE FILED: 5/14/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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E-TICKETS SOFTWARE, INC.,

Plaintiff,

O R D E R

- against -

07 Civ. 10484 (NRB)

NEW YEAR'S NATION, LLC., JANN YOGMAN
and DOES 1-20,

Defendants.

-----X
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS E-Tickets Software, Inc. originally filed this action in the Southern District of California on August 20, 2007; and

WHEREAS on October 17, 2007 defendants New Year's Nation, LLC and Jann Yogman filed a Motion to Dismiss for Improper Venue or in the Alternative to Transfer Venue; plaintiff failed to file any opposition; and the Honorable Roger T. Benitez transferred this case to this District by Order dated November 13, 2007; and

WHEREAS on December 6, 2007, we accepted this case as related to New Year's Nation LLC v. E-Tickets Software, Inc & Aaron L. Mortensen, 07-CV-6876(NRB) (S.D.N.Y. filed July 31, 2007); and

WHEREAS on January 4, 2008, we scheduled an initial pre-trial conference in both cases for February 6, 2008 at 4:15 p.m.; but on the morning of February 6, 2008 counsel for E-Tickets Software telephoned chambers and informed this Court that his client had not retained New York counsel and would not be appearing at the conference; and


WHEREAS apart from that telephone call on February 6, 2008, this Court has not heard from E-Tickets Software; and

WHEREAS in the related case E-Tickets Software has not as yet answered, despite having been served with a copy of the summons and complaint on October 18, 2007; and

WHEREAS in the related case New Year's Nation and Jann Yogman filed a motion for default judgment on February 12, 2008, to which E-Tickets Software has not yet responded; it is hereby

ORDERED that this case be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. See Link v. Wabash R.R. Co., 370 U.S. 626, 630-32 (1962).

Dated: New York, New York
May 19, 2008


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE